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2002 Annual Grievance Report to the Legislature

MICHIGAN SUPREME COURT
State Court Administrative Office
Friend of the Court Bureau

April 2003

2002 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE

The Friend of the Court Bureau, within the State Court Administrative Office, was created by the Michigan Legislature pursuant to the Friend of the Court Act (PA 294 of 1982). Among its duties, the Bureau is responsible for collecting data and information on local friend of the court operations. This includes information related to friend of the court grievances.

MCL 552.519(3)(d) requires the Bureau to compile and to annually issue a grievance report to the Legislature containing a summary of grievances received by local friend of the court offices. This grievance report indicates whether the grievances were resolved or outstanding. In fulfillment of this statutory requirement, each year the Bureau prepares and forwards a grievance report to the Legislature, and each friend of the court. This 19th Annual Grievance Report covers the period from January 1 through December 31, 2002.

In summary, 853 grievances were filed with friends of the court during 2002. This represents a 3.7 percent decrease from the number of grievances filed during the preceding reporting year. Based on a friend of the court caseload of 812, 631 (most current data available) there was an average of 1 grievance filed for every 953 cases. There were 24 grievances pending at the time the friends of the courts provided the grievance information to the State Court Administrative Office.

Grievances at times address issues not covered by the statutory grievance procedure, such as the substance of a trial court ruling, a recommendation of the friend of the court, or an issue that is the responsibility of another agency. Even though the friend of the court accepts and responds to the grievance, these issues are considered non-grievable. A single grievance containing multiple issues may contain combinations of responses. For example, a single grievance could address both employee related and office procedures. The response could acknowledge in part some of the issues and find other issues to be non-grievable.

In this report, responses to grievances are listed in four categories: acknowledged in full, acknowledged in part, denied, and non-grievable issue. As reported by friends of the court, 82 were acknowledged in full, 154 were acknowledged in part, 483 were denied, 24 were pending when the reports were submitted, and 106 were determined to be non-grievable issues. There were 1, 119 separate complaints/issues stated on the 853 grievances filed in 2002. Of the total number of complaints/issues 370 (33 percent) were employee related, 462 (41 percent) were support related, 87 (8 percent) were related to parenting time, 20 (2 percent) were related to custody, 29 (3 percent) were gender related, and 151 (13 percent) were considered "other."

Local friend of the courts changed office operations 21 times as a result of the grievances filed in 2002. Forty-three separate actions were taken involving employees.

NOTE: In 2002, several changes, most of which became effective December 1, 2002, were made to laws that impact the friend of the court operations. As a result of these changes, many friend of the court procedures will also change. Some of the changes: The arrearage threshold was lowered for consumer reporting, license suspension, and liens placed on real and personal property and an administrative process for collecting unpaid medical bills was created. The changes also increased the number of procedures available to the friend of the court for enforcing parenting time. Because of the changes to the laws, issues stated on grievances submitted to the friends of the court for 2003 may also change.

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GLOSSARY OF TERMS

TOTAL FILED: Number of grievances filed in each office during the reporting year of January 1 through December 31.

PENDING: Number of grievances left unresolved during the reporting year.

GRIEVANCE RESPONSE:

A/F: Acknowledged in full - merit in grievance.

A/P: Acknowledged in part - merit in part of grievance.

D: Denied - no merit in grievance.

NG: Non-grievable - issue does not come under the grievance procedure.

PR: Pending response - number of grievances left unresolved during the reporting year.

Dupl: Duplicate - same party filed a grievance on the same issue.

Same Party/
New Grievance: Same party filed a prior grievance dealing with items not addressed in current grievance.

GRIEVANCE REGARDING:

Employee: Number of grievances filed which included an employee problem.

Office Operations:

Support: Number of grievances in which support related problems were at issue.

Parenting Time: Number of grievances in which parenting time problems were at issue.

Custody: Number of grievances in which custody concerns were at issue.

Other: Number of grievances in which other concerns such as change of domicile, locate activities, etc., were at issue.

GRIEVANCE RESULTS:

Chg. Policy/Ops.: Change in Office Operation - grievances resulted in change in office operation.

Personnel Action: Grievances resulted in personnel or employee action.

Footnotes: A grievance may involve both an employee and office operations. Therefore, total grievances filed does not equal the total number of employee-related grievances plus the total number of office operation-related grievances.

A grievance may involve multiple issues that require the friend of the court to select combinations of responses. Therefore, the total number of grievances filed does not equal the total number of responses selected.

COUNTY	Grievance Comparisons and Totals						Grievance Response Category					Multiple Grievances		Grievance Type Category							Grievance Results		
	2001 Caseload	2002 Total Filed	Total Filed in 2001	2002 Ratio to Cases	Number Pending 12/31	A/F	A/P	D	NG	PR	Dupl.	Same Party New Griev.	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action		
ALCONA ALPENA, MONTMORENCY, PRESQUE ISLE	3,765	3	4	1 : 1,255	0	0	0	3	0	0	0	0	1	3	0	0	1	0	0	0	3		
ALGER	410	0	1	0 : 410	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
ALLEGAN	4,896	16	22	1 : 306	0	1	3	10	2	0	0	0	10	6	2	0	1	0	0	2	14		
ANTRIM, LEELANAU, GRAND TRAVERSE	6,167	11	10	1 : 561	0	0	1	9	1	0	0	1	6	6	1	0	0	1	0	0	11		
ARENAC, OGEMAW, ROSCOMMON	3,926	10	2	1 : 393	0	0	1	9	0	0	0	0	7	6	0	0	0	0	0	1	9		
BARRY	3,716	3	5	1 : 1,239	0	0	0	3	0	0	0	0	0	2	1	0	0	0	0	0	3		
BAY	7,873	2	3	1 : 3,937	0	1	0	1	0	0	0	0	2	0	0	0	0	0	0	1	1		
BENZIE	875	3	2	1 : 292	0	0	1	2	0	0	0	0	2	2	0	0	0	0	1	0	2		
BERRIEN	17,651	11	16	1 : 1,605	0	0	2	7	1	1	1	0	4	4	8	1	1	0	0	0	0		
BRANCH	3,089	2	5	1 : 1,545	0	0	0	2	1	0	0	0	2	1	1	0	0	1	0	0	3		
CALHOUN	15,569	39	16	1 : 399	0	1	2	22	14	0	4	0	12	20	1	0	0	14	1	1	37		
CASS	3,816	5	2	1 : 763	0	0	0	5	0	0	0	0	5	0	0	0	1	0	0	0	5		
CHARLEVOIX	1,242	1	1	1 : 1,242	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0		
CHEBOYGAN	1,804	3	5	1 : 601	0	0	0	2	0	0	0	0	1	2	2	0	0	0	0	0	0		
CHIPPEWA	0	2	0	1 : 0	0	0	0	1	1	0	0	0	2	1	1	0	1	0	0	0	2		
CLARE	2,169	2	2	1 : 1,085	0	0	1	1	0	0	0	0	1	1	0	0	0	1	0	0	2		
CLINTON	2,760	1	2	1 : 2,760	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0		
DELTA	2,218	6	3	1 : 370	0	1	1	3	1	0	0	0	1	4	1	0	0	0	1	0	4		
DICKINSON Failed to Report for 2002	0	0	0	0 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
EATON	6,829	11	8	1 : 621	0	0	2	5	3	3	2	0	8	2	0	0	0	1	2	0	3		
EMMET	1,513	3	1	1 : 504	0	0	0	4	0	0	1	0	4	2	1	0	0	0	0	0	2		
GENESEE	52,060	30	39	1 : 1,735	0	12	3	26	0	0	1	2	24	16	8	6	0	7	0	1	29		
**GLADWIN	1,370	0	3	0 : 1,370	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
**GOGEBIC	774	1	1	1 : 774	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0		
GRATIOT	2,624	4	4	1 : 656	0	0	2	1	1	0	0	0	4	3	1	1	0	2	2	0	2		
HILLSDALE	3,476	5	3	1 : 695	0	1	0	4	0	0	0	0	0	2	0	0	0	3	1	0	4		

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	2001 Caseload	2002 Total Filed	Total Filed in 2001	2002 Ratio to Cases		Number Pending 12/31	A/F	A/P	D	NG	PR	Dupl.	Same Party New Griev.	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action	
OAKLAND	48,232	89	96	1 :	542	0	11	20	47	13	3	3	8	61	36	5	0	1	8	1	11	74	
OCEANA	479	8	1	1 :	60	0	0	3	10	1	0	0	8	10	0	0	0	0	3	1	2	5	
**ONTONAGON	520	0	1	0 :	520	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
**OSCEOLA	1,996	2	1	1 :	998	0	0	0	2	0	0	0	0	0	2	0	0	0	0	0	0	2	
OTSEGO, CRAWFORD, KALKASA	4,896	4	6	1 :	931	0	0	2	0	4	0	0	0	4	2	1	0	1	2	0	0	0	
OTTAWA	12,004	28	28	1 :	429	0	3	7	13	3	2	0	2	15	10	2	0	0	5	0	3	23	
SAGINAW	25,731	11	14	1 :	2,339	1	0	1	9	1	0	0	0	5	6	3	2	2	1	0	1	10	
ST. CLAIR	11,092	14	10	1 :	792	0	1	0	9	4	0	0	0	5	12	4	0	0	0	0	0	14	
ST. JOSEPH	4,119	2	5	1 :	2,060	0	0	0	2	0	0	0	0	0	2	0	0	0	0	4	0	2	
SANILAC	2,958	2	1	1 :	1,479	0	0	0	0	2	0	0	0	0	2	0	0	0	0	0	0	2	
SCHOOLCRAFT	577	1	0	1 :	577	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	1	
**SHIAWASSEE	5,566	1	8	1 :	5,566	0	0	0	1	0	0	0	0	1	1	1	0	1	1	0	1	0	
TUSCOLA	3,637	3	3	1 :	1,212	0	0	0	2	1	0	0	0	0	2	1	0	0	0	0	0	2	
VANBUREN	5,857	13	27	1 :	451	1	1	2	7	4	1	2	0	9	10	2	0	0	0	0	2	10	
WASHTENAW	18,420	24	18	1 :	768	1	1	5	14	7	1	2	7	10	19	2	2	0	0	5	4	17	
WAYNE	305,965	197	179	1 :	1,553	14	39	56	56	13	0	2	3	10	133	3	1	1	52	1	0	26	
**WEXFORD, MISSAUKEE	2,784	4	1	1 :	696	0	0	0	3	0	1	0	2	4	2	0	0	0	2	0	0	3	
TOTAL	812,631	853	886	1 :	953	24	82	154	483	106	17	25	53	370	462	87	20	29	151	21	43	483	

* Failed to
report for the
first 6 months of
2002.

** Failed to
report for the
last 6 months of
2002.

ATTACHMENT A: GRIEVANCE FORM

Original - Friend of the court/Chief judge/
Citizen Advisory Committee
1st copy - Grieving party (with response)
2nd copy - SCAO (with response)
3rd copy - Grieving party (on filing)

Approved, SCAO

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

FRIEND OF THE COURT GRIEVANCE
☐ Friend of the Court ☐ Chief Judge
☐ Citizen Advisory Committee

THIS SPACE FOR COURT USE ONLY
CASE NO.:
GRIEVANCE NO.:
DATE RECEIVED:

Friend of the Court address

Telephone no.

Plaintiff's name and address

v

Defendant's name and address

County: _____ This grievance is about

- ☐ employee(s).
- ☐ office operations.
- ☐ a decision based on gender rather than the best interests of the child.

STATEMENT OF GRIEVANCE:

Date

Your telephone no.

Signature

SEE INSTRUCTIONS ON BACK OF FORM

INSTRUCTIONS FOR GRIEVANCE FORM

The friend of the court grievance procedure is to be used if you have a complaint regarding the actions of an employee or office operations of the friend of the court office. **A judge's or referee's decision and an order of the court are not issues to be handled through the grievance procedure.**

A grievance shall first be filed in writing with the friend of the court. If you are not satisfied with the decision of the friend of the court, you may file a further grievance, in writing, with the chief judge.

The friend of the court/chief judge will investigate and respond to your grievance in a reasonable period of time. If the response cannot be given within 30 days, you will be given a reason why the response is not possible within that time.

You may also file a grievance regarding friend of the court office operations with your local Citizen Advisory Committee at any time during the proceedings. The Citizen Advisory Committee cannot consider grievances about office employees or a court or office decision or recommendation regarding a specific case. The Citizen Advisory Committee cannot correct problems it discovers. Instead, it will advise the friend of the court, the court, or the county board of the problems in its discretion.

When filling out this grievance form, you should type or press firmly to assure all copies are readable. In the alternative, you may photocopy the appropriate number of copies of the completed form. You must also:

1. Provide the names and addresses of the parties in the court case. This will assist the friend of the court, chief judge, or Citizen Advisory Committee in identifying your case.
2. Name of the county where your domestic relations case is located.
3. Check the appropriate box for the type of complaint (grievance).
4. State your complaint, providing specific details, dates, names, and other important information.
5. Mail or deliver the completed form to the friend of the court, the chief judge's office, or the Citizen Advisory Committee office, whichever is appropriate. Keep the last copy (third copy) for your records.

Release of Information:

MCR 3.218(B) states: A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.

MCR 3.218(C) states: A citizen advisory committee established under the friend of the court act, MCL 552.501 et seq.; MSA 25.176(1) et seq.: 1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information; 2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

"Confidential information" means any of the following: staff notes from investigations, mediation sessions, and settlement conferences; Family Independence Agency protective service reports; formal mediation records; communications from minors; friend of the court grievances filed by the opposing party and the responses; a party's address or any other information if release is prohibited by a court order; except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency, subject to the express written condition that it remain confidential; and all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 et seq.

ATTACHMENT B: STATUTE DESCRIBING GRIEVANCE PROCESS

MCL 552.526.GRIEVANCE PROCEDURE

SEC. 26.

- (1) A PARTY TO A DOMESTIC RELATIONS MATTER WHO HAS A GRIEVANCE CONCERNING OFFICE OPERATIONS OR EMPLOYEES SHALL UTILIZE THE FOLLOWING GRIEVANCE PROCEDURE:
 - (A) FILE THE GRIEVANCE, IN WRITING, WITH THE APPROPRIATE FRIEND OF THE COURT OFFICE. THE OFFICE SHALL CAUSE THE GRIEVANCE TO BE INVESTIGATED AND DECIDED AS SOON AS PRACTICABLE. WITHIN 30 DAYS AFTER A GRIEVANCE IS FILED, THE OFFICE SHALL RESPOND TO THE GRIEVANCE OR ISSUE A STATEMENT TO THE PARTY FILING THE GRIEVANCE STATING THE REASON A RESPONSE IS NOT POSSIBLE WITHIN THAT TIME.
 - (B) A PARTY WHO IS NOT SATISFIED WITH THE DECISION OF THE OFFICE UNDER SUBDIVISION (A), MAY FILE A FURTHER GRIEVANCE, IN WRITING, WITH THE CHIEF JUDGE. THE CHIEF JUDGE SHALL CAUSE THE GRIEVANCE TO BE INVESTIGATED AND DECIDED AS SOON AS PRACTICABLE. WITHIN 30 DAYS AFTER A GRIEVANCE IS FILED, THE COURT SHALL RESPOND TO THE GRIEVANCE OR ISSUE A STATEMENT TO THE PARTY FILING THE GRIEVANCE STATING THE REASON A RESPONSE IS NOT POSSIBLE WITHIN THAT TIME.
- (2) EACH OFFICE SHALL MAINTAIN A RECORD OF GRIEVANCES RECEIVED AND A RECORD OF WHETHER THE GRIEVANCE IS DECIDED OR OUTSTANDING. THE RECORD SHALL BE TRANSMITTED NOT LESS THAN BIANNUALLY TO THE BUREAU. EACH OFFICE SHALL PROVIDE PUBLIC ACCESS TO THE REPORT OF GRIEVANCES PREPARED BY THE BUREAU UNDER SECTION 19.
- (3) IN ADDITION TO THE GRIEVANCE PROCEDURE PROVIDED IN SUBSECTION (1), A PARTY TO A DOMESTIC RELATIONS MATTER WHO HAS A GRIEVANCE CONCERNING OFFICE OPERATIONS MAY FILE, AT ANY TIME DURING THE PROCEEDINGS, THE GRIEVANCE IN WRITING WITH THE APPROPRIATE CITIZEN ADVISORY COMMITTEE. IN ITS DISCRETION, THE CITIZEN ADVISORY COMMITTEE SHALL CONDUCT A REVIEW OR INVESTIGATION OF, OR HOLD A FORMAL OR INFORMAL HEARING ON, A GRIEVANCE SUBMITTED TO THE COMMITTEE. THE CITIZEN ADVISORY COMMITTEE MAY DELEGATE ITS RESPONSIBILITY UNDER THIS SUBSECTION TO SUBCOMMITTEES APPOINTED AS PROVIDED IN SECTION 4A.
- (4) IN ADDITION TO ACTION TAKEN UNDER SUBSECTION (3), THE CITIZEN ADVISORY COMMITTEE SHALL ESTABLISH A PROCEDURE FOR RANDOMLY SELECTING GRIEVANCES SUBMITTED DIRECTLY TO THE OFFICE OF THE FRIEND OF THE COURT. THE CITIZEN ADVISORY COMMITTEE SHALL REVIEW THE RESPONSE OF THE OFFICE TO THESE GRIEVANCES AND REPORT ITS FINDINGS TO THE COURT AND THE COUNTY BOARD, EITHER IMMEDIATELY OR IN THE COMMITTEE S ANNUAL REPORT.
- (5) THE CITIZEN ADVISORY COMMITTEE SHALL EXAMINE THE GRIEVANCES FILED WITH THE FRIEND OF THE COURT UNDER THIS SECTION AND SHALL REVIEW OR INVESTIGATE EACH GRIEVANCE THAT ALLEGES THAT A DECISION WAS MADE BASED ON GENDER RATHER THAN THE BEST INTERESTS OF THE CHILD.
- (6) IF A CITIZEN ADVISORY COMMITTEE REVIEWS OR INVESTIGATES A GRIEVANCE, THE COMMITTEE SHALL RESPOND TO THE GRIEVANCE AS SOON AS PRACTICABLE.
- (7) A GRIEVANCE FILED UNDER SUBSECTION (3) IS LIMITED TO OFFICE OPERATIONS, AND THE CITIZEN ADVISORY COMMITTEE SHALL INFORM AN INDIVIDUAL WHO FILES WITH THE COMMITTEE A GRIEVANCE THAT CONCERNS AN OFFICE EMPLOYEE OR A COURT OR OFFICE DECISION OR RECOMMENDATION REGARDING A SPECIFIC CASE THAT SUCH A MATTER IS NOT A PROPER SUBJECT FOR A GRIEVANCE.

2002 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE

SUPPLEMENT:

2002 Citizen Advisory Committee Report to the Legislature

Citizen Advisory Committee Supplement

State Court Administrative Office Friend of the Court Bureau 2002 Citizen Advisory Committee Report to the Legislature

This report provides a historical perspective on citizen advisory committee legislation, court rules, and other factors that have impacted the development, as well as an evaluative summary of activities of the citizen advisory committees for 2002.

Historical Perspective

In 1996, Public Act 366 modified the Friend of the Court Act (MCL 552.501, et seq.) by establishing a citizen advisory committee (CAC) in each county. The legislation provided duties for the CAC as follows:

- “(a) Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.
- (b) Review and investigate grievances [see Attachment A for State Court Administrative Office Grievance Form] concerning the friend of the court as provided in section 26.¹
- (c) Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services.
- (d) At the end of each calendar year, submit an annual report of its activities to the county board, court, state court administrative office [*sic*], governor's office, standing senate and house committees, and appropriations subcommittees that are responsible for legislation concerning the judicial branch.” MCL 552.504a(1).

The legislation also called for the State Court Administrative Office (SCAO) to provide support for CACs (MCL 552.504(6)), to provide an evaluative summary of the activities and functioning of the committees, and to include identification of problems impeding their activities and functions (MCL 552.519(3)(d)(iii)).

¹ Section 26 addresses procedures for handling friend of the court grievances, and for citizen advisory committee review of those grievances (see Attachment B).

Citizen Advisory Committee Supplement

The SCAO, Friend of the Court Bureau (SCAO/FOCB), based on MCL 552.504(6) and with direction from the Supreme Court, provides technical assistance to citizen advisory committees. This includes the development of an informational brochure, and consultation regarding the implementation and operation of CACs with committee members, county executives, legislative representatives, and other interested parties. The SCAO/FOCB has also developed annual reporting forms for use by CACs (see Attachment C).

As in past years, many counties have been reluctant to implement CACs due to the added cost of the staffing and other support requirements (such as travel, copying, and other office expenses). Some counties have taken the position that they cannot implement an advisory committee unless costs are reimbursed by the state and on-site staff support is provided by the SCAO/FOCB. The bill's sponsor has indicated that it was not the intent of the legislation that the SCAO provide on site staff support for each committee or to provide reimbursement for other costs. In 1998, after initial discussions regarding options for increased support for committees, a supplemental appropriation bill (SB 994) was introduced to provide additional funding to enable the SCAO to develop a detailed operation manual and provide annual training for local citizen advisory committee members. That legislation was not approved, nor has any similar legislation been subsequently introduced.

Prior to 2002, counties were reluctant to implement a committee due to limited access to friend of the court records. Information gathered by the SCAO for 2002 indicates that this was the first year since the committees were implemented that none of the responding counties failed to implement or discontinued a CAC because of limited access to friend of the court files. The statute was amended in 1998 (see Attachment D) and the court rule was amended in 2000 and became effective April 1, 2001 (see Attachment E) to allow CACs greater access to friend of the court records.

Evaluative Summary

The SCAO/FOCB was created by the Friend of the Court Act in 1982. In Public Act 366 of 1996 the SCAO/FOCB duties were expanded to require preparation of an evaluative summary of the activities and functioning of each CAC, the aggregate activities of all committees, and an identification of problems that impede the efficiency of their activities and functioning and the satisfaction of the users of the CAC services (MCL 552.519(D)(iii)).

The summary is divided into 5 sections: Summary of Activities for Each Committee, Summary of Activities for All Committees, Problems Impeding Efficiency, Table of Counties Who Did Not Submit Reports, and Conclusions.

Citizen Advisory Committee Supplement

The SCAO/FOCB mailed out the reporting forms to each county on November 19, 2002, for use by CAC members in meeting the statutory reporting requirement. The SCAO/FOCB surveyed friends of the court by telephone/FAX in counties who failed to submit a report or provide comments regarding the status of CACs. The majority of counties failed to form a committee. The following is the status of CACs in Michigan based on written reports, correspondence and the telephone survey:

- 30 Counties formed CACs since 1997;
- 15 CACs are actively meeting;(Oceana County met less than 6 times but was considered an active county);
- 6 CACs reported 2002 activities to the SCAO/FOCB;
- 9 CACs were actively meeting but did not report 2002 activities; and
- 15 Counties formed CACs but are not actively meeting.

Many counties with established committees failed to submit a report. However, some of these counties provided written comments that indicated that there were 3 reasons for failing to report: 1) the CAC was not actively meeting during 2002 due to funding; 2) lack of business; and 3) vacant positions on the committee.

CACs in Ionia, Kalamazoo, Kent, Livingston, Macomb, and Oceana, filed reports. Annual reports submitted by the CACs are available upon request.

A. Summary of Activities of Each Citizen Advisory Committee

MCL 552.519 (3)(d)(i) requires “an evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.”

The following information is based on the 6 CAC 2002 reports that were submitted to the State Court Administrative Office.

Ionia County

The Ionia CAC met 6 times in 2002. Minutes were submitted to the county board after each CAC meeting. The CAC advised the county board of the friend of the court's duties and performance by submitting an annual written report and appearing at board meetings. A subcommittee was formed to review grievances. No grievances were directly filed with the CAC. The committee reviewed 8 randomly selected grievances that were filed directly with the friend of the court.

Citizen Advisory Committee Supplement

Kalamazoo County

The Kalamazoo County CAC met 7-12 times. Minutes from the meetings were submitted to the county board after each CAC meeting. Written reports were also submitted to the court and the county board. Subcommittees were created to review grievances. No grievances were directly filed with the Kalamazoo CAC. Seven grievances filed with the Kalamazoo Friend of the Court were randomly selected for review.

Kent County

The Kent County CAC met 6 times. Minutes from the meetings were submitted to the county board after each meeting. The Kent County CAC held no informal hearings, but did form subcommittees to review grievances. Eight grievances were filed directly with the committee. The committee randomly selected 6 grievances for review. One of the grievances that was selected, alleged a decision was made by the friend of the court based on gender rather than the best interests of the child.

Livingston

The Livingston County CAC met between 7-12 times in 2002. Minutes of meetings and annual report were submitted to the court and the county board. The committee also provided the chief circuit court judge and the friend of the court director with correspondence regarding the Livingston County Friend of the Court's duties and performance. In 2002, the Livingston CAC held 2 formal hearings to review grievances. There were 5 grievances filed directly with the committee. The committee randomly selected 6 grievances for review.

Macomb County

The Macomb County CAC met 7-12 times in 2002. The CAC submitted its minutes and annual report to the county board at the end of the year. The CAC met with the court on 3 occasions. The CAC provided 7 written requests to the friend of the court for additional information in order to review grievances. The committee held 3 informal hearings to review grievances. There were no grievances filed directly with the CAC. Fourteen grievances were randomly selected for review.

Oceana County

The Oceana County CAC met less than 6 times in 2002. Written reports were submitted to the court and the county board of commissioners regarding the friend of the court's duties and performance. No grievances were filed directly nor were any randomly

Citizen Advisory Committee Supplement

selected for review. Brochures were given to committee members for distribution to the public.

B. Summary of the Activities of All Citizen Advisory Committees

MCL 552.519 (3)(d)(ii) requires “an evaluative summary, supplemented by applicable quantitative data, of the aggregate of all citizen advisory committees in the state during the preceding year.”

Meetings Held - Meetings are defined as: “Meet not less than 6 times annually.” The statute also requires the committee to record its minutes. *The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.* MCL 552.504a(1)(a).

The following summary is organized based on committee functions outlined in 1996 PA 366, and percentages are based **on the number reporting CACs**. For the purpose of this report Oceana County was considered an active county although it met less than 6 times.

One (17 percent) of the reporting committees (Oceana) indicated that it met fewer than the 6 times as required by the statute. Two (33 percent) of the reporting committees (Ionia and Kent) met 6 times. The remaining 3 committees (50 percent) met between 7-12 times, (Kalamazoo, Livingston, and Macomb).

Ionia, Kent, and Kalamazoo CACs submitted minutes of meetings to the county board after each meeting. Livingston and Macomb submitted minutes with the annual report. Oceana CAC did not indicate how its minutes were submitted to the county board.

The Ionia CAC also informed the county board on the friend of the court's performance by appearing at board meetings. Livingston CAC provided information by means of written correspondence to the court and the county board about the friend of the court's performance.

Grievance Review and Investigation - *“Review and investigate grievances concerning the friend of the court as provided in section 26,” MCL 552.504a(1)(b).*

MCL 552. 526(3) provides that a party to a domestic relations matter who has a grievance concerning office operations may file at any time during the proceedings the grievance in writing with the appropriate citizen advisory committee. Two CACs (Kent and Livingston,) reported that grievances were filed directly with their committees. Kent County CAC had 8 grievances filed directly with the committee. Of the 8 grievances

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Kent County CAC reviewed, there were 6 child support issues, 3 parenting time issues, 3 custody issues, and 2 issues considered “other.” The committee disagreed with 5 of the grievances, and agreed with the grievant once. The committee did not recommend a change in local policy or operations, law, or state policy.

The total number of grievances filed directly with the Livingston CAC in 2002 was 5. The issues addressed in the grievances filed with the Livingston CAC involved: Three parenting time issues, 2 gender based issues, and 3 “other” issues. Three of the grievances filed are pending, 1 was considered non-grievable, and 1 was not accounted for. The Livingston CAC recommended a change in the law or state policy 2 times (40 percent) for the grievances filed directly with the committee.

MCL 552. 526(4) requires the CAC to establish a procedure for randomly selecting grievances submitted directly to the friend of the court office. The CAC is to review the grievance and the response from the friend of the court, and report its findings to the court and the county board. Because there was such a low number of grievances filed directly with the friend of the court, both Ionia and Kalamazoo reviewed all grievances. This is consistent with the SCAO’s recommendations for random selection of grievances. When there are not enough grievances for random selection, fewer than 20, the CAC is to receive and review all grievances (see Attachment F).

- Ionia County CAC randomly selected 8 grievances.
- Kalamazoo County CAC randomly selected 7 grievances. All 7 grievances were from the same party, but each was for a different case.
- Kent County CAC randomly selected 6 grievances.
- Livingston County CAC randomly selected 6 grievances for review.
- Macomb County CAC randomly selected 14 grievances.
- Oceana County CAC did not randomly select any grievances for review.

The 41 grievances filed directly with the friends of the court, and reviewed by the 5 CACs, contained 25 support issues, 11 parenting time issues, 1 custody issue, and 26 issues considered “other.” “Other” means the grievance was not considered a child support, parenting time, custody, or a gender based issue. Committee members expressed full agreement with the friend of the court for 34 of the grievances and partially agreed with 1. The Kent County CAC did not provide any information regarding the 6 grievances that were randomly selected.

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MCL 552. 526(5) directs the CAC to also examine grievances filed with the friend of the court that allege that a decision was based on gender rather than the best interests of the child. Kent CAC reviewed 1 grievance that alleged a decision was made based on gender rather than the best interests of the child. Livingston CAC reviewed 2 and Macomb County CAC reviewed 6 grievances that alleged a decision was based on gender rather than the best interests of the child. Of the 9 grievances that addressed gender bias, there were 6 support issues, 3 parenting time issues, and 8 issues considered other.

Annual Report - *“At the end of each calendar year, submit an annual report of activities to the county board, court, state court administrative office, governor’s office [sic], standing senate and house committees, and appropriations subcommittees that are responsible for legislation concerning the judicial branch,” MCL 552.504a(1)(d).*

Six CACs submitted annual reports to the SCAO.

C. Problems Impeding Citizen Advisory Committee Efficiency

MCL 552.519 (3)(d)(iii) requires “an identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees’ services.”

CACs were asked to identify problems that have impeded the efficiency of their functions, activities, and satisfaction of the users. The following were noted as major issues and problems faced by active CACs:

- Lack of utilization by community.
- Lack of funding and support.
- Lack of authority to impact real change.
- Very few grievances filed.
- Lack of a quorum.
- Vacancies on the committee.
- Not receiving grievances from the friend of the court in a timely fashion.
- Lack of business.

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Counties That Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Alcona	No	No	Alcona County did not submit a report or comments.
Alger	No	No	Alger County did not submit a report or comments.
Allegan	No	No	Comment: "Our county never appointed a CAC."
Alpena	No	No	Alpena County did not submit a report or comments.
Antrim	No	No	Comment: "Our county never appointed a CAC."
Arenac	Yes	No	Arenac County did not submit a report or comments.
Baraga	No	No	Baraga County did not submit a report or comments.
Barry	Yes	No	"Our county appointed a friend of the court citizen advisory committee, but it is not actively meeting."
Bay	No	No	Comment: "Our county never appointed a CAC."
Benzie	Yes	Yes	Benzie County did not submit a report or comments.
Berrien	No	No	Berrien County did not submit a report or comments.
Branch	No	No	Branch County did not submit a report or comments.
Calhoun	No	No	Calhoun County did not submit a report or comments.

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Cass	Yes	No	Cass County did not submit a report or comments.
Charlevoix	No	No	Charlevoix County did not submit a report or comments.
Cheboygan	No	No	Cheboygan County did not submit a report or comments.
Chippewa	No	No	Comment: "Our county never appointed a CAC."
Clare	No	No	Clare County did not submit a report or comments.
Clinton	No	No	Clinton County did not submit a report or comments.
Crawford	No	No	Crawford County did not submit a report or comments.
Delta	No	No	Comment: "In response to your correspondence of November 19, 2002, Delta County does not have a citizen advisory committee in place at this time."
Dickinson	No	No	Dickinson County did not submit a report or comments.
Eaton	No	No	Eaton County did not submit a report or comments.
Emmet	Yes	No	"Our county formed a Friend of the Court Citizen Advisory Committee [sic], but it is not actively meeting."
Genesee	Yes	Yes	Genesee County did not submit a report or comments.

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Gladwin	No	No	Gladwin County did not submit a report or comments.
Gogebic	No	No	Comment: "Our county never appointed a Friend of the Court Citizen Advisory Committee [sic], nor do we intend to since this is an unfunded mandate."
Grand Traverse	No	No	Grand Traverse County did not submit a report or comments.
Gratiot	No	No	"Our county never appointed a Friend of the Court Citizen Advisory Committee [sic]."
Hillsdale	No	No	"Hillsdale County Board of Commissioners elected last year not to appoint the 6-member Citizens Committee [sic]. Since state funding did not follow MCL 552.504(2) and the financial conditions as they were-we opted out."
Houghton	No	No	Houghton County did not submit a report or comments.
Huron	No	No	"Our county never appointed a friend of the court citizen advisory committee due to lack of interest."
Ingham	Yes	Yes	Ingham County did not submit a report or comments.
Iosco	No	No	Iosco County did not submit a report or comments.
Iron	No	No	Iron County did not submit a report or comments.

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Isabella	Yes	No	Isabella County did not submit a report or comments.
Jackson	Yes	Yes	Jackson County did not submit a report or comments.
Kalkaska	No	No	Kalkaska County did not submit a report or comments.
Keweenaw	No	No	Keweenaw County did not submit a report or comments.
Lake	No	No	"Our county never appointed a friend of the court citizen advisory committee."
Lapeer	No	No	Lapeer County did not submit a report or comments.
Leelanau	No	No	Leelanau County did not submit a report or comments.
Lenawee	No	No	Lenawee County did not submit a report or comments.
Luce	No	No	"Our county never appointed a friend of the court citizen advisory committee."
Mackinac	Yes	No	"Our county formed a Friend of the Court Citizen Advisory Committee [<i>sic</i>], but it is not actively meeting."
Manistee	No	No	"Our county never appointed a friend of the court citizen advisory committee."
Marquette	No	No	Marquette County did not submit a report or comments.

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Mason	Yes	No	"Our county formed a friend of the court citizen advisory committee, but it is not actively meeting."
Mecosta	No	No	Mecosta County did not submit a report or comments.
Menominee	No	No	Menominee County did not submit a report or comments.
Midland	Yes	Yes	Midland County did not submit a report or comments.
Missaukee	No	No	"Our county never appointed a Friend of the Court Citizen Advisory Committee [<i>sic</i>]."
Monroe	Yes	No	"Our county formed a CAC, but it did not meet in 2002."
Montcalm	Yes	Yes	Montcalm County did not submit a report or comments.
Montmorency	No	No	Montmorency County did not submit a report or comments.
Muskegon	No	No	"Our county never appointed a Friend of the Court Citizen Advisory Committee [<i>sic</i>]."
Newaygo	No	No	Newaygo County did not submit a report or comments.
Oakland	Yes	Yes	Oakland County did not submit a report or comments.
Ogemaw	No	No	Ogemaw County did not submit a report or comments.

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Ontonagon	No	No	Comment: "Our county never appointed a Friend of the Court Citizen Advisory Committee [sic], nor do we intend to since this is an unfunded mandate."
Osceola	No	No	"Our county never appointed a Friend of the Court Citizen Advisory Committee [sic]."
Oscoda	No	No	Oscoda County did not submit a report or comments.
Otsego	No	No	Otsego County did not submit a report or comments.
Ottawa	Yes	No	Ottawa County did not submit a report or comments.
Presque Isle	No	No	"Our county never appointed a Friend of the Court Citizen Advisory Committee [sic]."
Roscommon	No	No	Roscommon County did not submit a report or comments.
Saginaw	Yes	No	"Even though the Committee [sic] is currently inactive, it is our hope that the 2000 and 2001 Annual Reports submitted by the Saginaw County Friend of the Court Citizen Advisory Committee provided information to assist you in evaluating and improving Friend of the Court [sic] services."
Sanilac	Yes	No	Sanilac County did not submit a report or comments.

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Schoolcraft	No	No	"Our county never appointed a Friend of the Court Citizen Advisory Committee [sic]."
Shiawassee	Yes	No	Shiawassee County did not submit a report or comments.
St. Clair	Yes	No	St. Clair County did not submit a report or comments.
St. Joseph	No	No	"Our county never appointed a Friend of the Court Citizen Advisory Committee [sic]."
Tuscola	Yes	No	Tuscola County did not submit a report or comments.
Van Buren	Yes	No	"The committee is not activity meeting, because of no funding and lack of interest."
Washtenaw	Yes	Yes	Washtenaw County did not submit a report or comments.
Wayne	No	No	Wayne County did not submit a report or comments.
Wexford	Yes	No	"The committee formally disbanded in 2002."

D. Conclusions

In 1997, 23 counties formed CACs. Since then, 7 additional counties have formed committees. In 2002, Oakland County implemented a CAC. Currently 15 counties, or about 18 percent of all Michigan counties have active CACs. Six of the active CACs filed reports with the SCAO. Fifty-three counties have not appointed a CAC.

Half of the reporting committees cited, "lack of business/quorum" as a factor that impeded the efficiency of their committee. There could be a number of reasons for this. Very few grievances related to business operations were filed directly with CACs (total

Citizen Advisory Committee Supplement

of 14 for the 6 reporting committees, or 2.3 grievances per committee). Only forty-one grievances (6.8 per committee) that were filed directly with the friends of the court were reviewed by the reporting committees. Three committees reviewed 9 gender bias grievances.

In summary, very few CACs have been implemented since the statute went into effect. Many counties have taken the position that the requirement to have a CAC is an unfunded mandate. Due to lack of business, filling vacancies, and a limited number of grievances to review, it was difficult for some committees to conduct meetings and make recommendations to the court for improving friend of the court services.

The State Court Administrative Office will continue to work with individual counties to provide technical assistance to establish committees and with the Michigan Association of Counties to facilitate implementation of legislation.

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Attachment A: SCAO Grievance Form

Original - Friend of the court/Chief judge/
Citizen Advisory Committee
1st copy - Grieving party (with response)
2nd copy - SCAO (with response)
3rd copy - Grieving party (on filing)

Approved, SCAO

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

FRIEND OF THE COURT GRIEVANCE
☐ Friend of the Court ☐ Chief Judge
☐ Citizen Advisory Committee

THIS SPACE FOR COURT USE ONLY
CASE NO.:
GRIEVANCE NO.:
DATE RECEIVED:

Friend of the Court address

Telephone no.

Plaintiff's name and address

v

Defendant's name and address

County: _____ This grievance is about

- ☐ employee(s).
- ☐ office operations.
- ☐ a decision based on gender rather than the best interests of the child.

STATEMENT OF GRIEVANCE:

Date

Your telephone no.

Signature

SEE INSTRUCTIONS ON BACK OF FORM

INSTRUCTIONS FOR GRIEVANCE FORM

The friend of the court grievance procedure is to be used if you have a complaint regarding the actions of an employee or office operations of the friend of the court office. **A judge's or referee's decision and an order of the court are not issues to be handled through the grievance procedure.**

A grievance shall first be filed in writing with the friend of the court. If you are not satisfied with the decision of the friend of the court, you may file a further grievance, in writing, with the chief judge.

The friend of the court/chief judge will investigate and respond to your grievance in a reasonable period of time. If the response cannot be given within 30 days, you will be given a reason why the response is not possible within that time.

You may also file a grievance regarding friend of the court office operations with your local Citizen Advisory Committee at any time during the proceedings. The Citizen Advisory Committee cannot consider grievances about office employees or a court or office decision or recommendation regarding a specific case. The Citizen Advisory Committee cannot correct problems it discovers. Instead, it will advise the friend of the court, the court, or the county board of the problems in its discretion.

When filling out this grievance form, you should type or press firmly to assure all copies are readable. In the alternative, you may photocopy the appropriate number of copies of the completed form. You must also:

1. Provide the names and addresses of the parties in the court case. This will assist the friend of the court, chief judge, or Citizen Advisory Committee in identifying your case.
2. Name of the county where your domestic relations case is located.
3. Check the appropriate box for the type of complaint (grievance).
4. State your complaint, providing specific details, dates, names, and other important information.
5. Mail or deliver the completed form to the friend of the court, the chief judge's office, or the Citizen Advisory Committee office, whichever is appropriate. Keep the last copy (third copy) for your records.

Release of Information:

MCR 3.218(B) states: A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.

MCR 3.218(C) states: A citizen advisory committee established under the friend of the court act, MCL 552.501 et seq.; MSA 25.176(1) et seq.: 1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information; 2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

"Confidential information" means any of the following: staff notes from investigations, mediation sessions, and settlement conferences; Family Independence Agency protective service reports; formal mediation records; communications from minors; friend of the court grievances filed by the opposing party and the responses; a party's address or any other information if release is prohibited by a court order; except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency, subject to the express written condition that it remain confidential; and all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 et seq.

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Attachment B: Statute Describing Grievance Process

MCL 552.526. Grievance procedure

Sec. 26.

- (1) A party to a domestic relations matter who has a grievance concerning office operations or employees shall utilize the following grievance procedure:
 - (a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
 - (b) A party who is not satisfied with the decision of the office under subdivision (a), may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
- (2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than biannually to the bureau. Each office shall provide public access to the report of grievances prepared by the bureau under section 19.
- (3) In addition to the grievance procedure provided in subsection (1), a party to a domestic relations matter who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.
- (4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.
- (5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.
- (6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.
- (7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

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Attachment C: CAC Reporting Forms

CITIZEN ADVISORY COMMITTEE REPORT OF ACTIVITIES

Citizen Advisory Committee _____ Circuit Court _____ County	Reporting Period January 1 - December 31 _____ Year Note: This report is due January 15 of each year	Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909
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A. Regular Meetings MCL 552.504a(1)1. Number

- ☐ Less than 6
☐ 6
☐ 7 to 12
☐ 13 or more

2. Frequency

- ☐ weekly
☐ bi-weekly
☐ monthly
☐ bi-monthly
☐ other (specify)

3. Advice Given to County Board and Court

a. Minutes:

- ☐ were submitted to county board after each meeting.
☐ were not submitted to county board after each meeting. (Explain below)

b. The court and county board were advised on the office of the friend of the court's duties and performance by: (Attach reports or summary of information)

Means of AdviceFrequency of Advice

- ☐ written reports
☐ appearance at board meetings
☐ meetings with court
☐ other (specify)

B. Investigation of Grievances1. Party Request MCL 552.526(3) (Attach SCAO 28b)

- ☐ Informal hearings were held. Number of hearings held: _____
☐ Formal hearings were held. Number of hearings held: _____
☐ Subcommittee(s) were created to review grievances

2. Randomly Selected MCL 552.526(4) (Attach SCAO 28c) (Describe below the procedure for randomly selecting grievances)3. Decisions Allegedly Based on Gender Rather than Best Interests of the Child MCL 552.526(5) (Attach SCAO 28c)**C. Citizen Advisory Committee Functions**

1. List any services provided by the Citizen Advisory Committee not addressed in Parts A. and B. above.

2. The efficiency of the Citizen Advisory Committee's activities and functioning, and the satisfaction of users of the Committee's services, were impeded by the following problems: MCL 552.519(3)(d)(iii)

CITIZEN ADVISORY COMMITTEE GRIEVANCE RECORD
(Grievances Filed Directly with Citizen Advisory Committee)

Citizen Advisory Committee _____ Circuit Court _____ County				Reporting Period January 1 - December 31 _____ Year				Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909								
				Note: This report is due January 15 of each year												
Grievance no./ Case no.	Date Rec'd.	Date Resp'd.	Multiple Grievances	Types of Grievances Issues					Grievance Rejected	Evaluation			Recommendation	Codes		
														Multiple Grievances DG = Duplicate grievance SP = Same party, new grievance Types of Issues Raised S = Support PT = Parenting Time C = Custody GB = Gender based decision O = Other Grievances Rejected N = Not operations O = Other Grievance Evaluation F = Agree with all of grievance P = Partially agree with grievance D = Disagree with all of grievance Recommendation CO = Change local policy or operation CL = Change law or state policy		
Reporting Period Totals			DG	SP	S	PT	C	GB	O	N	O	F	P	D	CO	CL

Number of grievances filed: _____

Number of grievance responses pending: _____

Pending less than 30 days: _____

Pending over 30 days: _____

Date _____

Signature _____

CITIZEN ADVISORY COMMITTEE REVIEW OF FOC GRIEVANCES
 (Grievances Reviewed by Citizen Advisory Committee: Random Selection / Gender Based Decisions)

Citizen Advisory Committee _____ Circuit Court _____ County				Reporting Period January 1 - December 31 _____ Year				Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909							
Grievance no. and Case no.				Reason for Evaluation		Multiple Grievances		Types of Issues		Evaluation		Codes			
												Reason for Evaluation R = Random selection GB = Gender based decision Multiple Grievances DG = Duplicate grievance SP = Same party, new grievance Types of Issues Raised S = Support PT = Parenting Time C = Custody O = Other Grievance Evaluation F = Agree with FOC P = Partially agree with FOC D = Disagree with FOC GB = Find FOC decision based on gender			
Reporting Period Totals				R	GB	DG	SP	S	PT	C	O	F	P	D	GB
												M	F		

Date _____

Signature _____

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Attachment D: Public Act 551 of 1998

Act No. 551
Public Acts of 1998
Approved by the Governor
January 19, 1999
Filed with the Secretary of State
January 22, 1999
EFFECTIVE DATE: March 1, 1999

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senators Geake, Steil, Gougeon, Bouchard, Dingell, V. Smith, Peters and Shugars

ENROLLED SENATE BILL No. 841

AN ACT to amend 1982 PA 294, entitled "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts," (MCL 552.501 to 552.535) by adding sections 4b and 4c.

The People of the State of Michigan enact:

Sec. 4b. (1) Except as provided in subsections (2), (3), and (4), and under the chief judge's supervision, the office shall provide the citizen advisory committee with a grievance filed as provided in section 26 and access to records and information necessary for the committee to perform its functions as prescribed by this act, including the following:

(a) Case records and other information pertaining to the case of a party who has filed a grievance with the citizen advisory committee.

(b) Information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or the bureau.

(c) Information regarding the administration of the office of the friend of the court office, including budget and personnel information.

(2) The following information shall not be provided to a citizen advisory committee:

(a) Information defined as confidential by supreme court rule.

(b) Case information subject to confidentiality or suppression by specific court order, unless the court that issued the order of confidentiality determines, after notice to the parties and an opportunity for response, that the requested information may be made available to the citizen advisory committee without impairing the rights of a party or the well-being of a child involved in the case.

(3) A citizen advisory committee shall be provided a judge's or referee's notes pertaining to a case only at the chief judge's express direction.

(4) A citizen advisory committee has access to records of a mediation session only if the court determines, after notice to the parties and an opportunity for a response, that access would not impair the rights of a party to the case or the well-being of a child involved in the case.

(5) Upon request of a citizen advisory committee and under the chief judge's supervision, the office shall annually provide the committee with information pertaining to a random sampling of grievances. If requested by the committee

and at the supreme court's direction, the state court administrative office shall assist the office in devising a statistically significant random sampling.

Sec. 4c. (1) A citizen advisory committee, its members, and its staff shall consider as confidential a record or other information to which they have access in order to perform their functions under this act and shall properly safeguard its use and disclosure.

(2) A person listed in subsection (1) who discloses a record or other information described in subsection (1) is guilty of a misdemeanor.

(3) A citizen advisory committee member's unauthorized disclosure of a record or information described in subsection (1) is grounds for removal from the committee.

(4) A committee staff member's unauthorized disclosure of a record or information described in subsection (1) is grounds for dismissal.

Enacting section 1. This amendatory act takes effect March 1, 1999.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Mary B. Gullett

Clerk of the House of Representatives.

Approved _____

Governor.

Citizen Advisory Committee Supplement

Attachment E: Amended Michigan Court Rule 3.218

Order

Michigan Supreme Court
Lansing, Michigan

Entered: December 8, 2000

Elizabeth A. Weaver,
Chief Justice

Michael F. Cavanagh
Marilyn Kelly
Clifford W. Taylor
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

99-61

Amendments of
Rule 3.218 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 3.218 of the Michigan Court Rules are adopted, to be effective April 1, 2001.

[The present language is amended as indicated below.]

Rule 3.218 Access to Friend of the Court Records

- (A) General Definitions. When used in this subrule, unless the context indicates otherwise,
 - (1) "records" means paper files, computer files, microfilm, microfiche, audio tape, video tape, and photographs;
 - (2) "access" means inspection of records, obtaining copies of records upon receipt of payment for costs of reproduction, and oral transmission by staff of information contained in friend of the court records;
 - (3) "confidential information" means
 - (a) staff notes from investigations, mediation sessions, and settlement conferences;
 - (b) ~~Department of Social Services~~ Family Independence Agency protective services reports;

- (c) formal mediation records;
 - (d) communications from minors;
 - (e) friend of the court grievances filed by the opposing party and the responses;
 - (f) a party's address or any other information if release is prohibited by a court order; ~~and~~
 - (g) except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency subject to the express written condition that it remain confidential; and
 - (gh) all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 et seq.
- (B) A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.
- (C) A citizen advisory committee established under the Friend of the Court Act, MCL 552.501 et seq.; MSA 25.176(1) et seq.,
- (1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information;
 - (2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

When a citizen advisory committee requests information that may be confidential, the friend of the court shall notify the parties of the request and that they have 14 days from the date the notice was mailed to file a written response with the court. If the court grants access to the

information, it may impose such terms and conditions as it determines are appropriate to protect the rights of a party or the well-being of a child.

- (~~CD~~) Protective services personnel from the ~~Department of Social Services~~ Family Independence Agency must be given access to friend of the court records related to the investigation of alleged abuse and neglect.
- (~~DE~~) The prosecuting attorney and personnel from the Office of Child Support and the ~~Department of Social Services~~ Family Independence Agency must be given access to friend of the court records required to perform the functions required by title IV, part D of the Social Security Act, 42 USC 651 et seq.
- (~~EF~~) Auditors from state and federal agencies must be given access to friend of the court records required to perform their audit functions.
- (~~FG~~) Any person who is denied access to friend of the court records or confidential information may file a motion for an order of access with the judge assigned to the case or, if none, the chief judge.
- (~~GH~~) A court, by administrative order adopted pursuant to MCR 8.112(B), may make reasonable regulations necessary to protect friend of the court records and to prevent excessive and unreasonable interference with the discharge of friend of the court functions.

Staff Comment: The December 7, 2000 amendments of MCR 3.218, effective April 1, 2001, are consistent with changes made effective March 1, 1999, to the Child Custody Act, MCL 722.21 et seq.; MSA 25.312(1) et seq., and the Friend of the Court Act, MCL 552.501 et seq.; MSA 25.176(1) et seq.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 8, 2000

Corbin R. Davis

Clerk

Citizen Advisory Committee Supplement

Attachment F: Recommendation for Random Sampling of Grievances

Random Selection of Grievances

Public Act 551 requires, upon request of a Citizen Advisory Committee(CAC) and under the chief judge's supervision that the Friend of the Court shall annually provide the Committee with information pertaining to a random sampling of grievances. If requested by the Committee and at the Supreme Court's direction the state Court Administrative Office shall assist the Friends of the Courts in devising a statistically significant random sampling. The State Court Administrative Office recommends the following process for selection of grievances.

The selection of grievances should begin with the first grievance filed in January of each calendar year. Grievances should be maintained in the order they are received. Grievances should be selected based on the number filed the previous year.

The following is an example of the process for selection of grievances: The Friend of the Court received 21 to 30 grievances the previous year, the second grievance filed would be forwarded to the Citizens Advisory Committee and then every other grievance after that. This would result in 10-15 grievances forwarded to the Citizens Advisory Committee.

If 20 or fewer grievances were filed in the previous year, then the CAC should receive all or the grievances from the Friend of the Court Office.

If 21 to 30 grievances were filed in the previous year, then the CAC should receive every other grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 31 to 45 grievances were filed in the previous year, then the CAC should receive every third grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 46 to 60 grievances were filed in the previous year, then the CAC should receive every fourth grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 61 to 75 grievances were filed in the previous year, then the CAC should receive every fifth grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 76 to 100 grievances were filed in the previous year, then the CAC should receive every seventh grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 101 or more grievances are filed from the previous year, the Friend of the Court should forward to the CAC every 10th grievance so that 10% of the grievances are reviewed.

Once the friend of the court randomly selects a grievance and response, and any other information requested by the Citizens Advisory Committee it should be copied, logged with the litigant's names, case number, date and the name of the Citizen Advisory Committee member it was forwarded to with the envelope marked "CONFIDENTIAL".